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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 09/03/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/461,822

Applicant(s)

GROOTERS, BRANDON A.

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Response to Amendment

1. This action is in response to request for re-consideration filed on 06/23/2003
2. New claims 21-27 filed by the applicant has been entered.
3. Claims 1-20 has been considered but they are not persuasive.
4. Claims 1-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by Levine U.S. Patent no. 5,692,214.
5. Claims 13-14 and 16-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al. U.S. Patent no. 5,585,838.
6. Claims 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. U.S. Patent no. 5,585,838.

DETAILED ACTION

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-12 and 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Levine U.S. Patent No. 5,692,214.
9. As for claim 1, Levine shows a method, comprising: registering an application (col. 3 lines 48-49); associating the application with an event (col. 3 lines 49-53); while receiving information from a selected information source, monitoring event related information for an

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occurrence of the event (col. 3 lines 62-64); and upon an occurrence of the event, causing an operation of the application to be executed (col. 3 line 67 to col. 4 line 4).

10. As for claim 2, Levine shows the method as claimed in claim 1, the event being a predetermined time relative to a program, and said monitoring step including monitoring of the time to determine when the predetermined time occurs (col. 4 lines 9-14).

11. As for claim 3, Levine shows a method as claimed in claim 1, said causing step including launching the application upon an occurrence of the event (col. 4 lines 22-27).

12. As for claim 4, Levine shows a method as claimed in claim 1, said causing step including stopping the application upon an occurrence of the event (col. 4 lines 27-30).

13. As for claim 5, Levine shows a method as claimed in claim 1, said registering step including registering the application with an electronic program guide (col. 2 lines 5-8).

14. As for claim 6, Levine shows a method as claimed in claim 1, further including the step of determining event related information based upon electronic program guide data for the received information (col. 2 lines 31-40).

15. As for claim 7, Levine shows a program of instruction storable on an information storage medium for causing an information handling system to execute steps for causing the operation of an application to occur (col. 1 line 61 to col. 2 line 4), the steps comprising: registering an application (col. 3 lines 48-49); associating the application with an event (col. 3 lines 49-53); while receiving information from a selected information source, monitoring event related information for an occurrence of the event (col. 3 lines 62-64); and upon an occurrence of the event, causing an operation of the application to be executed (col. 3 line 67 to col. 4 line 4).

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16. As for claim 8, Levine shows a program of instruction as claimed in claim 7, the event being a predetermined time relative to a program, and said monitoring step including monitoring of the time to determine when the predetermined time occurs (col. 4 lines 9-14).

17. As for claim 9, Levine shows a program of instruction as claimed in claim 7, said causing step including launching the application upon an occurrence of the event (col. 4 lines 22-27).

18. As for claim 10, Levine shows a program of instruction as claimed in claim 7, said causing step including stopping the application upon an occurrence of the event (col. 4 lines 27-30).

19. As for claim 11, Levine shows a program of instruction as claimed in claim 7, said registering step including registering the application with an electronic program guide (col. 2 lines 5-8).

20. As for claim 12, Levine shows a program of instruction as claimed in claim 7, the steps further including the step of determining event related information based upon electronic program guide data for the received information (col. 2 lines 31-40).

21. As for claim 23, Levine shows a program of instructions storable on an information storage medium for causing an information handling system to execute steps for causing the operation of an application to occur, the steps comprising: determining registered applications (col. 3 lines 48-49); associating one of the registered applications with an event (col. 3 lines 49-53); selecting an information source (col. 3 lines 58-62); receiving information from the information source (col. 3 line 64 to col. 4 line 4); determining an event time (col. 4 lines 22-27); and upon the occurrence of the event time, causing an operation of the one of the registered applications to occur (col. 4 lines 40-47).

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22. As for claim 24, Levine shows a program as described in claim 23, further comprising the step of monitoring time between the steps of determining an event time and causing an operation (col. 4 lines 22-25).

23. As for claim 25, Levine shows a program as described in claim 23, further comprising the step of monitoring information between the steps of determining an event time and causing an operation (col. 4 lines 40-45).

24. As for claim 26, Levine shows a program as described in claim 24, wherein the operation caused is launching of the application (col. 4 lines 40-47).

25. As for claim 27, Levine shows a program as described in claim 24, wherein the operation caused is a stopping of the application (col. 4 lines 27-30).

26. Claims 13-14 and 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al. U.S. Patent No. 5,585,838 (hereinafter Lawler).

27. As for claim 13, Lawler shows an apparatus, comprising: means for receiving information from one or more information sources, the one or more information sources consisting of air transmitted television, cable television, satellite television, world-wide network, and internal storage medium, the means for receiving selecting one of the one or more information sources (col. 5 lines 47-53); means for storing programming information related to information capable of being received from the one or more information sources (col. 6 lines 7-16); means for monitoring for the occurrence of a predetermined event related to information received from the selected one of the one or more information sources (col. 6 lines 8-11); and

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means responsive to the occurrence of the predetermined event for implementing an operation of an application (col. 13 lines 50-52).

28. As for claim 14, Lawler shows an apparatus as claimed in claim 13, further comprising means for providing a timing reference to said monitoring means (col. 8 lines 21-24).

29. As for claim 16, Lawler shows an apparatus as claimed in claim 13, said receiving means being an information handling system capable of receiving the information and displaying the information on a display (col. 8 lines 25-26).

30. As for claim 17, Lawler shows an apparatus as claimed in claim 13, said storing means being an electronic program guide database (col. 6 lines 7-8).

31. As for claim 18, Lawler shows an apparatus as claimed in claim 13, said monitoring means being an electronic program guide capable of being executed on an information handling system (col. 7 lines 15-19).

32. As for claim 19, Lawler shows an apparatus as claimed in claim 13, said implementing means being an electronic program guide capable of being executed on an information handling system (col. 5 lines 20-30).

33. As for claim 20, Lawler shows an apparatus as claimed in claim 13, further comprising a timer circuit for providing a timing reference to said monitoring means (col. 13 lines 49-50).

34. As for claim 21, Lawler shows an apparatus as claimed in claim 13, the operation is either a launching or stopping of the application (col. 7 lines 45-51).

35. As for claim 22, Lawler shows an apparatus as claimed in claim 13, wherein either time or information is monitored (col. 8 lines 21-24).

Claim Rejections - 35 USC § 103

36. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. U.S. Patent No. 5,585,838 (hereinafter Lawler). Lawler does not specifically show an apparatus further comprising means for storing registry information regarding the application. "Official Notice" is taken that both the concept and advantages of providing for storing registry information regarding the application is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include storing the application information in a registry to Lawler because it would provide for organizing and tracking different applications are currently running internally within a computer system.

Response to Arguments

In the remark the applicant argues that

I) cited reference fails to disclose: "while receiving information from a selected information source, monitoring event related information for an occurrence of the event."

II) the rejection of claims 5 and 11 cited column 3, lines 49-50 does not "teach or suggest the registering step includes registering the application with an electronic program guide."

III) in regard to claim 15, there is no "suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art".

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In response to applicant's argument,

I) It was noted that prior art (Levine USPN 5,692,214) teaches the selection of information source (column 4 lines 32-34, "employing programmable cable tuners or programmable satellite receivers") and also teaches (column 4 lines 19-21, "selection transfers information relating to the programming selection to memory 35 within the IR unit 26 (FIG. 3)"). Therefore, it is clear that while downloading the information from a selected information source such as cable or satellite providers, the system is monitoring event related information for an occurrence of the event. Thus, examiner believes that in order to select the information relating to the program event selected, it must monitor or scan the information source first before picking out the information related to the selected program for transfer as stated in column 4 lines 19-21 above. Therefore, limitations are met by the reference.

II) Prior art column 3, lines 49-59 ("The application program is loaded into the personal computer via a diskette or the like") as stated by the applicant was not cited to reject claims 5 and 11 in the office action, but rather cited for a limitation of claim 1 ("registering an application"). It is very clear that the application is registering to the personal computer as the application is loaded. Therefore, according the broad scope of the above limitation, the limitation is met by reference.

III) Claim 15 rejection suggested that the "storing registry information regarding the application is well known and expected in the art" stand rejected under obviousness. A typical example to illustrate the limitation is similar to response (II) above. When a software or application is installed to a computer, the computer operating system (such as MS Windows) will automatically store the application information into its own registry in order for the operating

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system to manage the application in an efficient manner (see Microsoft Windows Operating System User's Manual). Therefore, limitation is met by general knowledge in the art.

Conclusion

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874. The examiner can normally be reached on Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor, *Mr. Anil Khatri*, can be reached on (703) 305-0282.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas Pham
Patent Examiner

TP

August 29, 2003


ANIL KHATRI
SUPERVISORY PATENT EXAMINER